## UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

FREUDENBERG-NOK, General Partnership

Employer

and

Case 08-RC-107929

INTERNATIONAL UNION, UNITED AUTOMOBILE AEROSPACE AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA

Petitioner

## DECISION AND CERTIFICATION OF REPRESENTATIVE

The National Labor Relations Board, by a three-member panel, has considered determinative challenges in an election held August 15, 2013, and the hearing officer's report recommending disposition of them. The election was conducted pursuant to a Stipulated Election Agreement. The tally of ballots shows 103 for and 97 against the Petitioner, with 10 challenged ballots.

The Board has reviewed the record in light of the exceptions and briefs, has adopted the hearing officer's findings<sup>1</sup> and recommendations,<sup>2</sup> and finds that a certification of representative should be issued.

<sup>&</sup>lt;sup>1</sup> The Employer has excepted to some of the hearing officer's credibility findings. The Board's established policy is not to overrule a hearing officer's credibility resolutions unless the clear preponderance of all the relevant evidence convinces us that they are incorrect. *Stretch-Tex Co.*, 118 NLRB 1359, 1361 (1957). We find no basis for reversing the findings.

<sup>&</sup>lt;sup>2</sup> In adopting the hearing officer's recommendations to sustain the challenges to the ballots of the Employer's summer associates, we emphasize that the summer associates do not share a

## CERTIFICATION OF REPRESENTATIVE

IT IS CERTIFIED that a majority of the valid ballots have been cast for International Union, United Automobile Aerospace and Agricultural Implement Workers of America and that it is the exclusive collective-bargaining representative of the employees in the following appropriate unit:

All full-time and regular part-time production, maintenance, and warehouse employees, including assemblers, baggers, packers, machine operators, printers, order fillers, material technicians, quality technicians, Merkel machine operators, and MHI customer support specialists, back-up leads, but excluding all leads and group leads, all clerical, managerial and professional employees, guards, supervisors as defined by the Act and all other employees.

Dated, Washington, D.C., May 30, 2014.

	Mark Gaston Pearce,	Chairman
	Kent Y. Hirozawa,	Member
(SEAL)	Harry I. Johnson, III,	Member
	NATIONAL LABOR RE	NATIONAL LABOR RELATIONS BOARD

community of interest with the Employer's regular full and part-time employees. The record shows that, whereas the regular full and part-time employees receive health, dental, and vision coverage, vacation, group life insurance, and 401(k) and profit sharing benefits, the summer associates are not eligible for any of these benefits. Moreover, opportunities for summer associates to return the following summer are dependent upon their receipt of a positive job evaluation and on a decision by the Employer to employ summer help the following year.

In the absence of exceptions, we adopt pro forma the hearing officer's recommendations to overrule the challenges to the ballots of Zaneth Brock and Ashley Burris. Because we adopt the hearing officer's recommendations to sustain the challenges to the summer associates' ballots, we find, in agreement with the hearing officer, that the remaining challenged ballots are not determinative and should not be opened and counted.